

**United States District Court
Northern District of Illinois – CM/ECF LIVE, Ver 6.2.2 (Chicago)
CIVIL DOCKET FOR CASE #: 1:17-cv-04782**

Boundaoui v. Federal Bureau of Investigation et al
Assigned to: Honorable Thomas M. Durkin
Cause: 05:552 Freedom of Information Act

Date Filed: 06/26/2017
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: Federal Question

Plaintiff

Assia Boundaoui

represented by **Thomas R. Burke**
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V.

Defendant

Federal Bureau of Investigation

represented by **Marcia Kay Sowles**
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Defendant**U.S. Department of Justice**

represented by **Marcia Kay Sowles**
 (See above for address)
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| Date Filed | # | Docket Text |
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| 06/26/2017 | <u>1</u> | COMPLAINT <i>FOR DECLARATORY AND INJUNCTIVE RELIEF</i> filed by Assia Boundaoui; Filing fee \$ 400, receipt number 0752-13318020.(Croke, Patrick) (Entered: 06/26/2017) |
| 06/26/2017 | <u>2</u> | CIVIL Cover Sheet (Croke, Patrick) (Entered: 06/26/2017) |
| 06/26/2017 | <u>3</u> | ATTORNEY Appearance for Plaintiff Assia Boundaoui by Patrick Edward Croke (Croke, Patrick) (Entered: 06/26/2017) |
| 06/27/2017 | | CASE ASSIGNED to the Honorable Thomas M. Durkin. Designated as Magistrate Judge the Honorable Maria Valdez. (nsf,) (Entered: 06/27/2017) |
| 06/27/2017 | <u>4</u> | NOTICE TO THE PARTIES – The Court is participating in the Mandatory Initial Discovery Pilot (MIDP). The key features and deadlines are set forth in the attached Notice which includes the MIDP Standing Order. Also attached is a checklist for use by the parties. In cases subject to the pilot, all parties must respond to the mandatory initial discovery requests set forth in the Standing Order before initiating any further discovery in this case. Please note: The discovery obligations in the Standing Order supersede the disclosures required by Rule 26(a)(1). Any party seeking affirmative relief must serve a copy of the attached documents (Notice to Parties and the Standing Order) on each new party when the Complaint, Counterclaim, Crossclaim, or Third-Party Complaint is served. (gcy,) (Entered: 06/27/2017) |
| 06/28/2017 | | SUMMONS Issued as to Defendant Federal Bureau of Investigation (pg,) (Entered: 06/28/2017) |
| 07/18/2017 | <u>5</u> | MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-13387847. (Poletto, Alexa) (Entered: 07/18/2017) |
| 07/19/2017 | <u>6</u> | MINUTE entry before the Honorable Thomas M. Durkin:Application to appear pro hac vice <u>5</u> is granted; Attorney Alexa Poletto for Assia Boundaoui added. Mailed notice (srn,) (Entered: 07/19/2017) |
| 07/20/2017 | <u>7</u> | ORDER: Joint status report due by 8/10/2017. Status hearing set for 8/14/2017 at 09:00 AM. Signed by the Honorable Thomas M. Durkin on 7/20/2017:Mailed notice(srn,) (Entered: 07/20/2017) |
| 07/26/2017 | <u>8</u> | SUMMONS Returned Executed by Assia Boundaoui as to Federal Bureau of Investigation served on 7/5/2017, answer due 9/5/2017 (Croke, Patrick) (Entered: 07/26/2017) |
| 07/26/2017 | <u>9</u> | SUMMONS Returned Executed by Assia Boundaoui as to U.S. Department of Justice served on 6/30/2017, answer due 8/29/2017 (Croke, Patrick) (Entered: 07/26/2017) |
| 07/28/2017 | <u>10</u> | ATTORNEY Appearance for Defendants Federal Bureau of Investigation, U.S. Department of Justice by Marcia Kay Sowles (Sowles, Marcia) (Entered: 07/28/2017) |

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| 07/28/2017 | <u>11</u> | MOTION by Defendants Federal Bureau of Investigation, U.S. Department of Justice for extension of time to file answer regarding complaint <u>1</u> and for Postponement of Initial Status Conference <u>6</u> (Sowles, Marcia) (Entered: 07/28/2017) |
| 07/28/2017 | <u>12</u> | NOTICE of Motion by Marcia Kay Sowles for presentment of before Honorable Thomas M. Durkin on 8/3/2017 at 09:00 AM. (Sowles, Marcia) (Entered: 07/28/2017) |
| 07/28/2017 | <u>13</u> | MINUTE entry before the Honorable Thomas M. Durkin:Defendants' unopposed motion for extension of time to 8/14/2017 to answer or otherwise plead <u>11</u> is granted. The 8/14/2017 status date is vacated and reset for 8/28/2017 at 09:00 AM. Joint status report is to be filed by 8/23/2017. No appearance is required on 8/3/2017. Mailed notice (srn,) (Entered: 07/28/2017) |
| 08/12/2017 | <u>14</u> | Defendants' ANSWER to Complaint by Federal Bureau of Investigation, U.S. Department of Justice(Sowles, Marcia) (Entered: 08/12/2017) |
| 08/22/2017 | <u>15</u> | MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-13501285. (Mann, Michael) (Entered: 08/22/2017) |
| 08/22/2017 | <u>16</u> | MINUTE entry before the Honorable Thomas M. Durkin:Application to appear pro hac vice <u>15</u> is granted; Attorney Michael Mann for Assia Boundaoui added. Mailed notice (srn,) (Entered: 08/22/2017) |
| 08/23/2017 | <u>17</u> | STATUS Report (Initial Joint Status Report) by Assia Boundaoui (Mann, Michael) (Entered: 08/23/2017) |
| 08/28/2017 | <u>18</u> | MINUTE entry before the Honorable Thomas M. Durkin:Status hearing held on 8/28/2017 and continued to 9/6/2017 at 09:00 AM.Mailed notice (srn,) (Entered: 08/29/2017) |
| 09/05/2017 | <u>19</u> | MINUTE entry before the Honorable Thomas M. Durkin:Any party wishing to participate telephonically at the 9/6/2017 status hearing is directed to call 877-402-9757, access code 4410831 promptly at 9:00 a.m.Mailed notice (srn,) (Entered: 09/05/2017) |
| 09/06/2017 | <u>20</u> | MINUTE entry before the Honorable Thomas M. Durkin:Status hearing held on 9/6/2017 and continued to 9/13/2017 at 08:45 AM. The parties are to submit a joint status report by noon on 9/12/2017. Mailed notice (srn,) (Entered: 09/06/2017) |
| 09/06/2017 | <u>21</u> | ATTORNEY Appearance for Plaintiff Assia Boundaoui by Christina W. Abraham (Abraham, Christina) (Entered: 09/06/2017) |
| 09/08/2017 | <u>22</u> | MOTION by Defendants Federal Bureau of Investigation, U.S. Department of Justicefor Relief from Standing Order Regarding Mandatory Initial Discovery Pilot Program (Sowles, Marcia) (Entered: 09/08/2017) |
| 09/08/2017 | <u>23</u> | MEMORANDUM by Federal Bureau of Investigation, U.S. Department of Justice in support of motion for relief from standing order regarding Mandatory Initial discovery Pilot Project <u>22</u> . (Sowles, Marcia) Docket Text Modified by Clerk's Office on 9/11/2017 (jh,). (Entered: 09/08/2017) |
| 09/08/2017 | <u>24</u> | NOTICE of Motion by Marcia Kay Sowles for presentment of motion for Standing Order Regarding Mandatory Initial Discovery Pilot Project <u>22</u> before Honorable Thomas M. Durkin on 9/13/2017 at 09:00 AM. (Sowles, Marcia) Docket Text Modified by Clerk's Office on 9/11/2017 (jh,). (Entered: 09/08/2017) |
| 09/12/2017 | <u>25</u> | NOTICE by Federal Bureau of Investigation, U.S. Department of Justice re status hearing, set/reset hearings <u>20</u> (Attachments: # <u>1</u> Defendants' Postion on Rate of Production)(Sowles, Marcia) (Entered: 09/12/2017) |
| 09/12/2017 | <u>26</u> | Second Joint Status Update by Assia Boundaoui (Attachments: # <u>1</u> Plaintiff's Addendum)(Poletto, Alexa) (Entered: 09/12/2017) |
| 09/12/2017 | <u>27</u> | NOTICE by Assia Boundaoui re Addendum to Second Joint Status Report <u>26</u> . (Poletto, Alexa) Docket Text Modified by Clerk's Office on 9/14/2017 (jh,). (Entered: 09/12/2017) |
| 09/13/2017 | <u>28</u> | MINUTE entry before the Honorable Thomas M. Durkin:Status hearing held on 9/13/2017. Status hearing set for 9/20/2017 at 08:45 AM.Mailed notice (srn,) (Entered: 09/13/2017) |

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| 09/19/2017 | <u>29</u> | MINUTE entry before the Honorable Thomas M. Durkin:Any party wishing to participate telephonically at the 9/20/2017 status hearing is instructed to call 877-402-9757, access code 4410831, promptly at 8:45 a.m. Mailed notice (srn,) (Entered: 09/19/2017) |
| 09/19/2017 | <u>30</u> | MOTION by Defendants Federal Bureau of Investigation, U.S. Department of Justice to stay <i>case pursuant to 5 U.S.C. 552(a)(6)(C)</i> (Sowles, Marcia) (Entered: 09/19/2017) |
| 09/19/2017 | <u>31</u> | MEMORANDUM by Federal Bureau of Investigation, U.S. Department of Justice in support of motion to stay <u>30</u> (Attachments: # <u>1</u> Declaration David M. Hardy, # <u>2</u> Exhibit Exhibits A – Q to Declaration of David M. Hardy)(Sowles, Marcia) (Entered: 09/19/2017) |
| 09/19/2017 | <u>32</u> | NOTICE of Motion by Marcia Kay Sowles for presentment of motion to stay <u>30</u> before Honorable Thomas M. Durkin on 9/27/2017 at 09:00 AM. (Sowles, Marcia) (Entered: 09/19/2017) |
| 09/19/2017 | <u>33</u> | MOTION by Plaintiff Assia Boundaoui to compel <i>expedited processing of Plaintiff's Freedom of Information Act Request</i> (Attachments: # <u>1</u> Proposed Order)(Poletto, Alexa) (Entered: 09/19/2017) |
| 09/19/2017 | <u>34</u> | NOTICE of Motion by Alexa Poletto for presentment of motion to compel <u>33</u> before Honorable Thomas M. Durkin on 9/20/2017 at 08:45 AM. (Poletto, Alexa) (Entered: 09/19/2017) |
| 09/20/2017 | <u>35</u> | DECLARATION of David M. Hardy regarding memorandum in support of motion <u>31</u> , motion to stay <u>30</u> (Attachments: # <u>1</u> Exhibit A-Q)(Sowles, Marcia) (Entered: 09/20/2017) |
| 09/20/2017 | <u>36</u> | MINUTE entry before the Honorable Thomas M. Durkin:Status hearing held on 9/20/2017. Responses to the motions to compel <u>33</u> and to stay <u>30</u> are due by 9/22/2017. Defense counsel is to file a supplement to their motion with a listing of cases that have been granted or denied, where the relief sought is identical to this motion. Status hearing set for 9/26/2017 at 08:45 AM. Counsel is directed to call 877-402-9757, access code 4410831 to participate in the hearing. Mailed notice (srn,) (Entered: 09/20/2017) |
| 09/22/2017 | <u>37</u> | MEMORANDUM by Federal Bureau of Investigation, U.S. Department of Justice in Opposition to motion to compel <u>33</u> (Sowles, Marcia) (Entered: 09/22/2017) |
| 09/22/2017 | <u>38</u> | NOTICE by Federal Bureau of Investigation, U.S. Department of Justice re status hearing,, set motion and R&R deadlines/hearings, <u>36</u> , MOTION by Defendants Federal Bureau of Investigation, U.S. Department of Justice to stay <i>case pursuant to 5 U.S.C. 552(a)(6)(C)</i> <u>30</u> (Attachments: # <u>1</u> Exhibit List of Cases in Which Government Filed a Motion for an Open America Stay)(Sowles, Marcia) (Entered: 09/22/2017) |
| 09/22/2017 | <u>39</u> | RESPONSE by Assia Boundaoui in Opposition to MOTION by Defendants Federal Bureau of Investigation, U.S. Department of Justice to stay <i>case pursuant to 5 U.S.C. 552(a)(6)(C)</i> <u>30</u> (Poletto, Alexa) (Entered: 09/22/2017) |
| 09/26/2017 | <u>40</u> | MINUTE entry before the Honorable Thomas M. Durkin: Defendants' motion for an Open America stay <u>30</u> is denied for the reasons stated in open court. Plaintiff's motion for expedited processing of her September 26, 2016 FOIA request <u>33</u> is granted for the reasons stated in open court. Defendants are ordered to: (1) produce volumes 1-5 and 5(a) of responsive documents (approximately 1,649 pages prior to applicable exemptions) on or before October 16, 2017; (2) review the approximately 33,120 pages of documents already identified by defendants as responsive to plaintiff's FOIA request on a rolling basis of 3,500 pages per month beginning the month of October 16, 2017 to November 16, 2017; and (3) give priority to the sub-files of individuals for whom plaintiff provides privacy waivers by appropriate means on or before October 16, 2017.The Court further orders that plaintiff pay the required fees on or before October 16, 2017. Any issue of whether the fees should be waived and thus reimbursed to plaintiff should be addressed on summary judgment. To the extent plaintiff seeks to challenge the FBI's search identifying 33,120 pages of relevant documents involving the Operation Vulgar Betrayal criminal investigation and seeks review of documents beyond those identified documents, that issue likewise should be addressed in the context of a motion for summary judgment. The expedited processing need not include such documents. The parties should provide monthly written status |

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| | | reports reporting on the compliance with this order. The first report will be due on October 20, 2017. Defendant's motion for relief from MDP <u>22</u> is granted. Status hearing held on 9/26/2017.Mailed notice (srn,) (Entered: 09/26/2017) |
| 09/29/2017 | <u>41</u> | <p>TRANSCRIPT OF PROCEEDINGS held on 9/6/17 before the Honorable Thomas M. Durkin. Telephone status. Order Number: 28391. Court Reporter Contact Information: Laura Renke, OfficialTranscript@gmail.com, 312.435.6053.</p> <p>IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.</p> <p>Redaction Request due 10/20/2017. Redacted Transcript Deadline set for 10/30/2017. Release of Transcript Restriction set for 12/28/2017. (Renke, Laura) (Entered: 09/29/2017)</p> |
| 09/29/2017 | <u>42</u> | <p>TRANSCRIPT OF PROCEEDINGS held on 9/20/17 before the Honorable Thomas M. Durkin. Status hearing. Order Number: 28391. Court Reporter Contact Information: Laura Renke, OfficialTranscript@gmail.com, 312.435.6053.</p> <p>IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.</p> <p>Redaction Request due 10/20/2017. Redacted Transcript Deadline set for 10/30/2017. Release of Transcript Restriction set for 12/28/2017. (Renke, Laura) (Entered: 09/29/2017)</p> |
| 10/02/2017 | <u>43</u> | <p>TRANSCRIPT OF PROCEEDINGS held on 9/26/17 before the Honorable Thomas M. Durkin. Status hearing. Order Number: 28399. Court Reporter Contact Information: Laura Renke, OfficialTranscript@gmail.com, 312.435.6053.</p> <p>IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.</p> <p>Redaction Request due 10/23/2017. Redacted Transcript Deadline set for 11/2/2017. Release of Transcript Restriction set for 1/2/2018. (Renke, Laura) (Entered: 10/02/2017)</p> |
| 10/20/2017 | <u>44</u> | STATUS Report (<i>Third Joint Status Report</i>) by Federal Bureau of Investigation, U.S. Department of Justice (Sowles, Marcia) (Entered: 10/20/2017) |
| 11/20/2017 | <u>45</u> | STATUS Report -- <i>Fourth Joint Report</i> by Federal Bureau of Investigation, U.S. Department of Justice (Sowles, Marcia) (Entered: 11/20/2017) |
| 12/20/2017 | <u>46</u> | STATUS Report by Federal Bureau of Investigation, U.S. Department of Justice (Sowles, Marcia) (Entered: 12/20/2017) |
| 01/19/2018 | <u>47</u> | SIXTH JOINT STATUS Report by Federal Bureau of Investigation, U.S. Department of Justice. (Sowles, Marcia) Docket Text Modified by Clerk's Office on 1/22/2018 (jh,). (Entered: 01/19/2018) |
| 02/21/2018 | <u>48</u> | STATUS Report (<i>Seventh Joint Status Report</i>) by Federal Bureau of Investigation, U.S. Department of Justice (Sowles, Marcia) (Entered: 02/21/2018) |
| 02/21/2018 | <u>49</u> | MINUTE entry before the Honorable Thomas M. Durkin:The Court has reviewed the parties' Seventh Joint Status Report <u>48</u> . The Court advises Plaintiff that she should |

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| | | make herself available to receive documents that are being produced to her without the government incurring additional costs for delivery. She may want to consider having the produced documents delivered to her attorneys' offices.Mailed notice (srn,) (Entered: 02/21/2018) |
| 03/22/2018 | <u>50</u> | STATUS Report (<i>Eighth Joint Status Report</i>) by Federal Bureau of Investigation, U.S. Department of Justice (Sowles, Marcia) (Entered: 03/22/2018) |
| 04/18/2018 | <u>51</u> | STATUS Report (<i>Ninth Joint Status Report</i>) by Federal Bureau of Investigation, U.S. Department of Justice (Sowles, Marcia) (Entered: 04/18/2018) |
| 04/26/2018 | <u>52</u> | MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 150, receipt number 0752-14402956. (Burke, Thomas) (Entered: 04/26/2018) |
| 04/27/2018 | <u>53</u> | MINUTE entry before the Honorable Thomas M. Durkin:Application to appear pro hac vice <u>52</u> is granted; Attorney Thomas R. Burke for Assia Boundaoui added. Mailed notice (srn,) (Entered: 04/27/2018) |
| 05/18/2018 | <u>54</u> | STATUS Report (<i>Tenth Joint Status Report</i>) by Federal Bureau of Investigation, U.S. Department of Justice (Sowles, Marcia) (Entered: 05/18/2018) |
| 06/20/2018 | <u>55</u> | STATUS Report (<i>Joint</i>) by Assia Boundaoui (Poletto, Alexa) (Entered: 06/20/2018) |
| 07/20/2018 | <u>56</u> | STATUS Report (<i>12th Joint</i>) by Assia Boundaoui (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Poletto, Alexa) (Entered: 07/20/2018) |
| 08/20/2018 | <u>57</u> | STATUS Report (<i>Thirteenth Joint Status Report</i>) by Federal Bureau of Investigation, U.S. Department of Justice (Sowles, Marcia) (Entered: 08/20/2018) |
| 09/19/2018 | <u>58</u> | STATUS Report by Federal Bureau of Investigation, U.S. Department of Justice (Sowles, Marcia) (Entered: 09/19/2018) |
| 10/12/2018 | <u>59</u> | NOTICE by Marcia Kay Sowles of Change of Address (Sowles, Marcia) (Entered: 10/12/2018) |
| 10/19/2018 | <u>60</u> | STATUS Report (<i>Fifteenth Joint Status Report</i>) by Federal Bureau of Investigation, U.S. Department of Justice (Sowles, Marcia) (Entered: 10/19/2018) |
| 11/20/2018 | <u>61</u> | STATUS Report by Federal Bureau of Investigation, U.S. Department of Justice (Sowles, Marcia) (Entered: 11/20/2018) |
| 12/18/2018 | <u>62</u> | STATUS Report (<i>Seventeenth Joint Status Report</i>) by Federal Bureau of Investigation, U.S. Department of Justice (Sowles, Marcia) (Entered: 12/18/2018) |